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**Legislative Bulletin.....March 23, 2010**

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**H.Res. 1186 - Expressing support for designation of April as National Distracted Driving Awareness Month (Markey, D-CO)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, March 23, 2010, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1186 resolves that the House of Representatives:

- “Supports the designation of Distracted Driving Awareness Month;
- “Encourages all people in the United States to consider the lives of others on the road and avoid distracted driving; and
- “Respectfully requests the Clerk of the House to transmit a copy of this resolution to FocusDriven, an advocacy group for victims of motor vehicle crashes involving drivers using cell phones.”

The legislation contains a number of findings, including:

- “9-year-old Erica Forney of Fort Collins, Colorado, was struck and killed by a distracted driver in 2008;
- “There were more than 276,000,000 wireless cell phone subscribers in the United States as of June 2009, an increase of 42 percent from 194,000,000 in June 2005, and nearly 3 times more than the 97,000,000 wireless subscribers in June 2000;
- “According to the recent National Motor Vehicle Crash Causation Survey, 80 percent of all traffic incidents and 65 percent of all near-crashes involve some type of distraction;

- “According to data from the Fatality Analysis Reporting System (FARS), driver distraction was reported to have been involved in 16 percent of all fatal crashes in 2008, which is an increase from 12 percent in 2004; and
- “April would be an appropriate month to designate as National Distracted Driving Awareness Month.”

**Committee Action:** H.Res. 1186 was introduced on March 16, 2010 and was referred to the House Transportation and Infrastructure Committee, which took no public action.

**Cost to Taxpayers:** The resolution authorizes no expenditures.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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## **H.Res. 1125 - Supporting the goals and ideals of National Public Works Week (*Perriello, D-VA*)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, March 23, 2010, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 1125 resolves that the House of Representatives:

- “Supports the goals and ideals of National Public Works Week;
- “Recognizes and celebrates the 50th anniversary of National Public Works Week; and
- “Urges citizens and communities throughout the United States to join with representatives of the Federal Government in activities and ceremonies that are designed to pay tribute to the public works professionals of the United States and to recognize the substantial contributions that public works professionals make to the United States.”

The legislation contains a number of findings, including:

- “In the ‘2008 Conditions & Performance’ report of the Department of Transportation, the Department found that an additional \$27,000,000,000 per year in capital investments is needed to sustain highway conditions and performance and an additional \$96,000,000,000 per year in capital investments is needed to make cost-effective highway improvements and eliminate the existing bridge maintenance backlog;
- “Transparency and accountability information relating to the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) demonstrates successful implementation of highway, transit, and wastewater investments under the Act;
- “Total employment from the 10,348 highway, transit, and wastewater infrastructure projects on which work has begun, which includes direct, indirect, and induced jobs, totals more than 938,000 jobs;
- “Direct job creation from highway, transit, and wastewater infrastructure projects under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) has resulted in payroll expenditures of \$1,500,000,000; and
- “Public works professionals are observing National Public Works Week from May 16 through 22, 2010.”

**Possible Conservative Concern:** This resolution states that the Democrats “stimulus” funding for transportation construction projects was transparent and successful. Further it lists the number of projects underway and jobs created. Some conservatives disagree with this assertion. The “stimulus” passed the House on January 28, 2009 by a partisan vote of [244-177](#).

**Committee Action:** H.Res. 1125 was introduced on March 2, 2010 and was referred to the House Transportation and Infrastructure Committee, which held a markup on March 3, 2010 and reported the resolution favorably by voice vote.

**Cost to Taxpayers:** The resolution authorizes no expenditures.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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**H.Res. 917 - Recognizing the Florida Keys Scenic Highway on the occasion of its designation as an All-American Road by the U.S. Department of Transportation (Ros-Lehtinen, R-IL)**

**Order of Business:** The resolution is scheduled to be considered on Tuesday, March 23, 2010, under a motion to suspend the rules and pass the resolution.

**Summary:** H.Res. 917 resolves that the House of Representatives:

- “Recognizes the Florida Keys Scenic Highway on the occasion of its designation as an All-American Road by the U.S. Department of Transportation; and
- “Congratulates those residents of the Florida Keys who participated in the effort to support this designation.”

The legislation contains a number of findings, including:

- “Established by Congress in 1991, the National Scenic Byways program is a collaborative effort to help recognize, preserve, and enhance selected roads throughout the United States;
- “The U.S. Department of Transportation recognizes certain roads as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational, and scenic qualities;
- “The Florida Keys Scenic Highway is the first All-American Road in the State of Florida and only one of 30 in the United States, joining an elite list which includes the Blue Ridge Parkway, Alaska's Seward Highway, and Historic Route 66;
- “The Florida Keys Scenic Highway comprises of an 110-mile stretch of US 1 from Key Largo to Key West;
- “The end of the Florida Keys Scenic Highway, Mile Marker 0, is the southernmost city in the Continental United States.”

**Committee Action:** H.Res. 917 was introduced on November 18, 2009 and referred to the House Transportation Subcommittee on Highways and Transit, and Subcommittee on Water Resources and Environment, which discharged the resolution. The full Committee met on January 27, 2010 and reported the resolution, as amended, by voice vote.

**Cost to Taxpayers:** The resolution authorizes no expenditures.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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**H.R. 3562 - To designate the Federal building under construction at 1220 Echelon Parkway in Jackson, Mississippi, as the “Chaney, Goodman, Schwerner Federal Building” (Thompson, D-MS)**

**Order of Business:** The legislation is scheduled to be considered on Tuesday, March 23, 2010, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3562 designates the Federal building under construction at 1220 Echelon Parkway in Jackson, Mississippi, as the “Chaney, Goodman, Schwerner Federal Building.”

**Additional Information:** James Chaney, Andrew Goodman and Michael Schwerner were three young civil rights workers who were murdered near Philadelphia, in Neshoba County, Mississippi. They were arrested by the Neshoba County police and then Deputy Sherriff Cecil Price turned them over to local members of the Ku Klux Klan. Their bodies were discovered on August 4, 1964. Further information can be found [here](#).

**Committee Action:** H.R. 3562 was introduced on September 14, 2009 and referred to the House Transportation and Infrastructure Subcommittee on Economic Development, Public Buildings and Emergency Management. A markup was held in the full committee on January 27, 2010 and reported the legislation, as amended, by voice vote.

**Cost to Taxpayers:** A CBO report is unavailable, but the only costs associated with a U.S. federal building renaming are those for sign and map changes, none of which significantly affect the federal budget.

**Does the Bill Expand the Size and Scope of the Federal Government?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** A committee report citing compliance with the rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. However, the resolution does not contain any earmarks.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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## **H.R. 4098—Secure Federal File Sharing Act 2009 (*Towns, D-NY*)**

**Order of Business:** The bill is scheduled to be considered on Tuesday, March 23, 2010, under a motion to suspend the rules and pass the bill.

**Summary:** The bill requires agencies within the federal government to develop a plan to ensure the security of peer-to-peer (P2P) file-sharing programs, within six months of enactment. The bill requires agencies to create plans to address security concerns for government computer networks and the Office of Management and Budget (OMB) to develop a procedure for agencies to receive approval to use file-sharing programs. Specifically, the bill requires the director of the OMB to issue guidance within 90 days on the use of peer-to-peer file sharing software to prohibit the download, installation, or use by government employees and contractors.

Additionally, the bill requires the identification of specific open-network peer-to-peer file sharing software programs that are necessary for a government employee to conduct the day-to-day business of the agency they serve. The bill also requires the OMB to establish or update their personal use policies, training procedures, and assure that proper security controls are in place to prevent, detect, and remove file sharing software from all federal computers, computer systems, and networks, including those operated by contractors on the government's behalf. Finally, the bill requires an annual report from the OMB to Congress on the justification for each open-network peer-to-peer file sharing software program and an inventory of the agencies where programs are being used.

**Additional Background:** Programs like Napster, Kazaa, and LimeWire were some of the more popular peer-to-peer file sharing software that allowed users to instantly connect with each other to search and copy electronic files in the late 1990's. Today, it is estimated that there are up to 20 million peer-to-peer file sharing users online at any point in time, most commonly sharing music and movies. Do to the privacy and security risks associated with open network peer-to-peer file sharing software, the federal government has become increasingly involved in regulating the problems associated with peer-to-peer file including issues associated with child pornography, privacy and security risk, and inadvertently sharing electronic files.

**Committee Action:** H.R. 4098 was introduced on November 17, 2009, and referred to the House Committee on Oversight and Government Reform. On March, 4, 2010, the full committee held a mark-up and ordered the bill to be reported favorably by voice vote.

**Administration Position:** A statement of Administration Policy is not available.

**Cost to Taxpayers:** Based on information from OMB and industry sources, and subject to the availability of appropriated funds, “CBO estimates that implementing H.R. 4098 would cost about \$10 million over the 2011-2014 period.”

**Does the Bill Expand the Size and Scope of the Federal Government?** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** Yes, because the bill would require federal government contractors that use file-sharing software to comply with new restrictions on downloading, installing, or using that software on computers used for federal work. However, CBO states that “according to several experts in information technology, most file-sharing programs that are related to work would not fit the bill’s definition of P2P software and, therefore, would not be subject to the restrictions in the bill. Consequently, CBO expects that any compliance cost would fall below the annual threshold for private-sector mandates established in UMRA (\$141 million in 2010, adjusted annually for inflation).”

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** According to Committee Report 111-431, “H.R. 4098 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(t) of rule XXI.”

**Constitutional Authority:** The Oversight and Government Reform Committee cites Article I, Section 8 Clause 18 of the Constitution of the United States grant the Congress the power to enact this law.

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